

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ANTHONY BUTLER,

Case No. 3:20-cv-00560-MMD-WGC

1

Petitioner,

ORDER

W. GITTERE, *et al.*

Respondents.

Petitioner Anthony Butler, a Nevada state prisoner, has submitted a *pro se* Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254. This habeas matter is before the Court on Butler's Application to Proceed *In Forma Pauperis* ("IFP") (ECF No. 1). For the reasons discussed below, orders Butler to resolve the filing fee.

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. Indigent prisoners who do not have money to pay the \$5.00 filing fee may request IFP status to waive the fee. A federal district court may authorize a person to begin an action without prepaying fees and costs if the person submits an IFP application on the approved form along with the appropriate supporting documentation. See 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

Although Butler submitted the required form, the supporting documents show he is able to pay the \$5.00 filing fee. Thus, Butler does not qualify for a fee waiver. The Court therefore denies his IFP application. Butler will have 45 days to pay the \$5.00 filing fee.

It is therefore ordered that Petitioner Anthony Butler's Application to Proceed *In Forma Pauperis* (ECF No. 1) is denied.

It is further ordered that Butler must pay the \$5.00 fee by November 30, 2020.

The Clerk of Court is instructed to MAIL Butler *two* copies of this order. Butler must make the necessary arrangements to have a copy of this order attached to the check for the filing fee.

1 It is further ordered that the initial screening of Butler's Petition for Writ of Habeas
2 Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases and consideration
3 of the Motion for Appointment of Counsel (ECF No. 1-2) are deferred to until such time as
4 he has fully complied with this order.

5 Butler's failure to timely comply with this order will result in the dismissal of this
6 action without further advance notice.

7 DATED THIS 16th Day of October 2020.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE